

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:04CV180-1-MU**

ALEX DAVE ALEXANDER,	)	
	)	
	)	
Plaintiff,	)	
Vs.	)	<b>ORDER</b>
	)	
SERGEANT GRICE, <u>et al.</u> ,	)	
	)	
Defendants.	)	
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**THIS MATTER** comes before the Court upon its own motion.

On September 1, 2004, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983 against Defendants Grice, Andre, Campbell, and Duncan. On October 15, 2004, the Court ordered the Clerk to issue summons and deliver it to the U.S. Marshal for service of process without additional cost. On May 2005, this Court ordered the Clerk to reissue summons and deliver it forthwith to the U.S. Marshal to make service of process without additional cost on all Defendants in compliance with the mandates of Rule 4(e) of the Federal Rules of Civil Procedure.

At the present time Defendants Andre and Grice have been served. Defendant Campbell's process receipt, however, was returned unserved with a note that no individual with the last name Campbell was employed at the facility during the time period of the alleged incident. It thus appears that Plaintiff has misidentified the individual he is claiming violated his constitutional rights.

**THEREFORE IT IS HEREBY ORDERED THAT** within twenty days of the filing of this Order the Sheriff shall provide Plaintiff and the Court with the names of any individuals who were working on the date and time in question who could be the individual erroneously identified by Plaintiff as Sergeant Campbell. The Sheriff is further directed to provide only the Court with addresses for these individuals if they are no longer in his employ. Plaintiff then has until June 30, 2005, to file a motion to amend his Complaint to include which, if any, of the identified individuals was the one who allegedly denied him medical care.

**Signed: May 16, 2005**

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

